

1 STATE OF ARIZONA
2 COUNTY OF MARICOPA

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4
5 AFFIDAVIT
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7 COMES NOW Robert E. Dickelman, a resident of the State of Arizona,
8 County of Maricopa, who upon his oath states:

9 I am General Counsel to the Agricultural Employment Relations Board,
10 a position I have held continuously since November 15, 1972.

11 On or about June 12, 1973, Safeway Stores, Inc., filed a charge with
12 the Agricultural Employment Relations Board alleging violations of the Agri-
13 cultural Employment Relations Act by the United Farm Worker's Union. On
14 August 14, 1973, after investigation of the charges, I issued on behalf of the
15 Board, a Complaint and Notice of Hearing alleging that the United Farm Worker's
16 Union had violated Sections 23-1385(B)(6), 23-1385(B)(7) and 23-1385(B)(8),
17 Arizona Revised Statutes. (Copy attached.)

18 On August 23, 1973, the United Farm Worker's Union, by its attorney,
19 James Rutkowski, filed a Motion to Dismiss that Complaint, stating the events
20 complained of had been the subject of a suit filed by Safeway Stores, Inc. un-
21 der Section 23-1393(A), Arizona Revised Statutes, and had been decided by the
22 Superior Court, County of Maricopa. The Board, therefore, lacked jurisdiction
23 to relitigate the matter. This Motion to Dismiss was argued before the Board
24 appointed Trial Examiner, Professor John J. Irwin, Jr., on October 2, 1973. He
25 has not, to date, issued his decision on this Motion to Dismiss.

26 Under the Rules and Regulations of the Board (appropriate Sections
27 attached) either party may appeal the decision of the Trial Examiner to the
28 Board. The party aggrieved by a decision of the Board, either sustaining or
29 reversing the Trial Examiner, may by virtue of Section 23-1390, Arizona Re-
30 vised Statutes, appeal that Board Decision to the Superior Court. In the event
31 the Trial Examiner denies the Union's Motion to Dismiss, and in the event the
32 Union fails to appeal that Decision, the Complaint would be tried before a

1 Trial Examiner in accordance with the Act and the Board's Rules and Regulations.
2 The Trial Examiner's decision could be appealed to the Board, which could re-
3 verse, sustain, or modify that Decision. This Board Order could then also be
4 appealed to the Superior Court, and from the Superior Court to the Court of
5 Appeals and ultimately to the Supreme Court of the State.

6 I am without knowledge as to when the Trial Examiner Irwin will re-
7 lease his decision on the Union's Motion to Dismiss.

8 In addition to the charges filed by Safeway Stores, Inc., three other
9 charges have been filed with this Board alleging violations of the Act by the
10 United Farm Worker's Union. No disposition has been made of these charges but
11 should a complaint be issued on any of them, the procedures of trial and appeal
12 outlined above would obtain and it is anticipated that the Board or the courts
13 of this State would hear and interpret the various sections of this Act, inclu-
14 ding rulings as to the constitutionality of the sections of the Act that would
15 be in question.

16 I have read the foregoing statement consisting of two pages and swear
17 it is true to the best of my information, knowledge and belief.

18 Subscribed and sworn in the City of Phoenix, County of Maricopa, on
19 this 11th day of December 1973.

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23 Robert E. Dickelman
24 Robert E. Dickelman

25 General Counsel
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27 Subscribed and sworn to before me this 11th
28 day of December, 1973

29 Richard J. Smith

30 Notary Public in and for the

31 County of Maricopa

32 State of Arizona

Notary Public Expires May 1, 1974